

COMMISSION FOR LOOTED ART IN EUROPE

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**Introduction to The National Archives' records on Nazi-Era  
Looted Cultural Property, 1939-1961**

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## Overview

### The War Years, 1939-1945

The plundering of European art treasures by Nazi Germany reverberated throughout the Second World War and its aftermath. Organised looting was carried out both by agencies of the state, in particular the infamous 'Einsatzstab Reichsleiter Rosenberg', and by private agents and dealers working for Hitler, Goering, and other Nazi leaders. Prior to the start of the Second World War, some Allied governments were already aware of the seizure of cultural property from Jews and other persecuted groups in Germany and Austria. Furthermore, as the threat of war across the European continent loomed, they voiced their fears about the damage to cultural monuments and works of art that might occur as a result of uncompromising Nazi methods of warfare. An 'International Convention for the Protection of Historic Buildings and Works of Art in Time of War' was drafted in January 1939 by the Dutch government, which sought, unsuccessfully, to arrange an international conference to address the issue.

As the war proceeded the Allies became increasingly aware of the volume of art being looted by the Germans throughout Europe. Reports were circulated of specific cases of looting, and in 1941, the British instituted measures to prevent looted art seized in Belgium and Holland from being sold in the United States. In the following year, the British government warned that looted art was being disposed of in neutral countries, with the proceeds disappearing behind innumerable 'cloaks'.

By late 1942 and 1943, as the British and American armies advanced into North Africa and thence into mainland Europe, the Allies could see for themselves the damage, destruction and looting wrought by the German army on Europe's cultural heritage and specifically on public and private collections of works of art. Under the leadership of the British government, they sought to take a decisive stand against these activities. This culminated in the signing of the 'Inter-Allied Declaration against Acts of Dispossession Committed in Territories under Enemy Occupation and Control'. Drafted and agreed in late 1942, the Declaration was signed in London on 5 January 1943 by the 16 governments of the United Nations and the French National Committee. The signatories agreed 'to do their utmost to defeat the methods of dispossession practised by the Axis Powers and their associates against countries and peoples whom they have so wantonly assaulted and despoiled', while also 'reserving all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in territories which have come under the occupation'.

As a result of the Inter-Allied Declaration, the Allied approach to the preservation of cultural artefacts focused on two main factors: on the one hand, the protection of monuments and works of art in war areas, and on the other, the investigation of art and other cultural objects seized by the Nazis since the beginning of the war.

International discussions took place on the best way to implement the Inter-Allied Declaration. This was initially achieved through meetings, like those of the Inter-Allied Sub-Committee on Acts of Dispossession, which met monthly in London from February 1943. Matters within the Sub-Committee's consideration included laying out the scope of the existing legislation under which transfers and dealings would be or could be invalidated, and documenting (through a Memorandum on Acts of Dispossession) acts of dispossession and methods practised in a wide range of occupied countries. Also discussed was the enemy's use

of neutral countries to arrange the transfer of looted property and the documentation of enemy assets held in Switzerland, Turkey, Spain and elsewhere.

From January 1943, the British government sought to establish provisions for locating items of cultural property which had been unlawfully seized during the war and restoring them to their rightful owners after the cessation of hostilities. These provisions included a 'Register of War Damage and Loss of British Property outside the United Kingdom', which was set up in September 1943 for the registration of claims for losses and damage suffered by Allied nationals and neutrals:

The Register will record debts or other monies due from enemies to any persons in the United Kingdom irrespective of nationality. The Register will record property which is situated in the territory of States at war with His Majesty's Government and which is owned by British persons in the UK. The Register will also record losses or damage arising from the war to property outside the United Kingdom belonging to British persons.

Throughout 1943, the British authorities received multiple reports of Axis looting in occupied territories. These included details of the seizure of specific collections, such as the Czartoryski collection at Gołuchów, Poland, the Raczyński collections in Poznań and Rogalin, Poland, the Imperial collections in Russia and the Goudstikker collection in the Netherlands. In November 1943 the British legation in Mexico City reported that a large number of Old Master paintings were being offered for sale which had come from 'dispersed collections' in Europe via the USA. In December 1943, detailed reports were received about the seizure of Russian and Ukrainian art treasures by the Germans. By late 1943, looting by the enemy was of public concern, with questions being asked in Parliament on the restitution and or replacement of looted art and whether this would be a condition of any armistice, though it was noted that British intelligence had no evidence of the Nazi leaders being in possession of any looted art at this time.

During most of the armed conflict the actual investigations of looting and damage in the field took place under the auspices of the Allied armies. In October 1943, shortly after the Allied invasion of Sicily, the British War Office appointed the distinguished archaeologist Sir Leonard Woolley, a Lieutenant Colonel in the British Army, as Archaeological Adviser to the Directorate of Civil Affairs. Over the following months a system for the protection of monuments and works of art was established within Allied military formations in the shape of the Monuments, Fine Arts and Archives (MFA&A) Branches. In the heat of battle, and subsequently, it was the MFA&A officers who undertook the huge task of inspecting and protecting some of Europe's most precious artistic and historic monuments and works of art.

At the same time discussions were taking place between the governments of Britain, the USA and the USSR on how best to effect restitution and compensation at the end of the war. The Allies considered the idea of establishing civilian commissions that would assist in the work of identification and restitution of looted artworks. Back in May 1943 the British had sent a letter to the Americans, proposing a Reconstruction Commission, noting that 'His Majesty's government has always had in mind that some sort of Reconstruction Commission, operating probably under the supervision of such United Nations authority as was deemed appropriate, would be required for the purpose *inter alia* of endeavouring to recover looted works of art, and to effect their return to their lawful owners'. The letter added that 'the question of deciding on compensation, whether in kind or otherwise, in cases where works of art could not be found or had been damaged, raises problems of a different order. Such demands for compensation will

be only one among many categories of claims made against the enemy countries after the war, and it does not seem possible to consider them in isolation’.

Over the following months, several institutions were established to fulfil the aims of the Inter-Allied Declaration. The US government had already established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, also known as the Roberts Commission, in August 1943, not long before the appointment of Woolley as Archaeological Adviser. The role of the Roberts Commission was ‘the protection and conservation of works of art and of artistic and historic records in Europe, (...) to aid in salvaging and restoring to the lawful owners such objects as have been appropriated by the Axis Powers or individuals acting under their authority or consent’. In November 1943, Sir Kenneth Clark, Director of the National Gallery in London, recorded that the directors of the British National Museums wished to set up a British Commission as a counterpart to the Roberts Commission. Despite initial caution on the part of the British government regarding the possibility of preservation interfering with the war effort, the Cabinet Office agreed to the creation of the Macmillan Committee in May 1944 as a specialist advisory body. Its aim was ‘to investigate and consider the technical problems (...) of restitution of works of art stolen by the enemy’ and ‘to advise His Majesty’s Government regarding the policy to be adopted.’

As this institutional framework was being developed, the British press and others questioned the adequacy of the measures taken by the Allied forces for the protection of architectural and cultural treasures in the battle areas. This led, in early 1944, to the drafting of a War Office Report on War Damage to the Historic Monuments of Southern Italy, which was submitted to the Prime Minister by leading members of the British art and museum world under the leadership of Lord Lang of Lambeth, Chairman of the Trustees of the British Museum.

Unlike the Roberts Commission, the Macmillan Committee focused exclusively on the restitution of cultural material and was not officially concerned with the protection of monuments, leaving that responsibility to the military authorities. Until the end of the war it nonetheless *de facto* acted as intermediary between Woolley’s bureau at the War Office, British and American MFA&A officers and other Allied bodies concerned with both the protection and the restitution of works of art. To this end, at the close of war, the Macmillan Committee published a series of booklets documenting the British role in the preservation of monuments and works of art in Italy, Malta, Greece and the British Zones of Austria and Germany. The Macmillan Committee, whose main purpose was to coordinate information-gathering and facilitate communication between the various bodies actively involved in restitution of cultural material, was dissolved in August 1946 by agreement between the Prime Minister Clement Attlee, Lord Macmillan and J G Mann, Honorary Secretary of the Committee and Director of the Wallace Collection, bringing three years’ work to a conclusion. Both the Roberts Commission and the Macmillan Committee had encouraged their Soviet Allies to create a similar body. Although never established, partial information on Nazi art plundering in the USSR can be found in the reports of the Soviet Extraordinary State Commission, beginning in November 1942.

During the latter stages of the war the Macmillan Committee worked in cooperation with the Inter-Allied Commission for the Protection and Restitution of Cultural Material, known as the Vaucher Commission. This inter-allied body on the looting of works of art in occupied Europe was established in April 1944 in London. Named after its Chairman, Professor Paul Vaucher, Cultural Counsellor at the French Embassy in London, this body acted on intelligence supplied by different national commissions, and functioned as a central bureau for information. In particular, it held and gathered information on art that had been looted in each country and on the agents, dealers and Nazi individuals and agencies involved in the looting and trading of the

artworks. The accumulated information was stored on card indexes at the Victoria and Albert Museum in London, and provided an invaluable source of information for the Allies in the planning and implementation of restitution policies. This body originated when the Macmillan Committee had, together with the Roberts Commission, proposed the establishment of an International Secretariat for the gathering of information, in collaboration with the British and American MFA&A offices. Instead it was the Vaucher Commission that took on this responsibility, and continued to carry it out actively until November 1945, when Vaucher left the commission to take up a chair at the Sorbonne, by which time the Commission had 'issued a series of some 2,000 confidential dossiers relating to looters, which were regularly distributed to the military authorities and other agencies'.

Even before the Vaucher Commission was dissolved, however, it was already clear that the focus of Monuments, Fine Arts and Archives work had shifted considerably from protection to restitution of cultural property. By the beginning of 1945, the end of the war was in sight and questions of reparation and restitution began to be discussed in earnest, especially for works of art, gold and other securities. The basic outline of a policy on reparations and restitution had first been sketched in August 1943 in an inter-departmental report for the British government, mainly authored by John Maynard Keynes, under the auspices of Sir William Malkin's Committee on Reparations and Economic Security. The US equivalent of the Malkin report came later, with the US State Department Report on Reparation, Restitution and Property Rights, dated 24 June 1944, providing a set of recommendations to be put in place to cover the period immediately after the defeat of Germany until a more comprehensive programme could be established.

Under 'Property removed to Germany', the US State Department Report of June 1944 stated that:

German governmental agencies under the direction of the Allied control authorities in Germany should restore whatever looted property they find to the then existing governments of the territories where the property had its *situs* and not to the former owners individually. These governments will be responsible for the equitable disposition of the property under their national law, subject to the rights under international law of nationals of third countries.

The report concluded that property transferred to Germany during the period of occupation should be presumed to have been transferred under duress, and noted the widespread feeling that restitution should return art works to their owners, prevent 'impoverishment of the cultural heritage and educational facilities of the looted countries', and that neutral countries should not be permitted to impede this process by providing a refuge for looted art.

In November 1944, the UK sent a delegation to the European Advisory Commission on the establishment of an Inter-Allied Restitution Commission, supporting the view that 'machinery be brought into being at the earliest possible moment' to adjudicate the return of identifiable property. That same month the US issued a draft directive for the conservation and disposition of works of art and other cultural materials, which was transmitted to all Army divisions on the battlefield. Among the guidelines, it stated that:

You will, in your zone, take all practicable measures to locate and, at your discretion, seize or otherwise secure works of art and other cultural materials [...]  
You will take all practicable measures to protect and conserve works of art from loss, removal, concealment, damage or deterioration [...] You will forbid the sale,

transfer or export of works of art [...] You are authorized to detain for questioning any persons in your zone known to have, or suspected of having, information which will assist in locating works of art.

The directive held available for restitution those works of art and cultural materials which had been looted from the governments or nationals of the several United Nations and associated states and those in German public or private collections which might be used for restitution in kind.

As the Allied forces advanced into Germany in the spring of 1945, the sheer scale of the looting and the attendant problem of restitution became very apparent, especially after the discovery of over 670 repositories of art in what was to become the US Zone of Germany. They contained not only Germany's main public collections but also an extremely large and varied number of looted cultural objects from public and private European collections. There was a general feeling among the Allies that many Germans were complicit in the looting, whose magnitude prompted the United Nations War Crimes Commission to propose that every German be given eight days to declare any loot, with failure to do so being punishable by death. Despite being aware of the extremely serious and extensive nature of the problem, the Allies struggled to agree on a unified approach. In February 1945, the UK again proposed that a Restitution Commission be established. By April 1945, the French urged a decision in order to deal with the huge amount of looted art missing from France. In July 1945, the Dutch requested the return of 20,000 paintings taken to Germany from Holland, as part of a systematically planned looting, with Goering and Hitler as the main buyers. Momentum was building behind the idea of an Inter-Allied Restitution Commission but the proposal was opposed by the Soviets in June 1945.

## **The End of the War and its Aftermath, 1945-1949**

At the Conference of Potsdam (16 July - 2 August 1945) which followed Germany's defeat, the UK, USA, France and the USSR divided Germany into four zones of occupation, each administered by one of the Allied powers, with Berlin itself under a quadripartite authority despite the fact that it was embedded in the Russian Zone. Negotiations between the occupying powers and Germany began on the basis that Germany would eventually return to being an independent unified state, but this could not happen until several important legacies of the Third Reich, such as major war crimes trials, had been concluded in a manner that would prevent any further conflict.

A few months later, in November 1945, an international Reparations Conference in Paris included all the Allied states that had participated in the Second World War. The aim of this meeting was to determine the amount of reparations owed by Germany as a result of the war. Amongst other issues, the Conference discussed how to proceed with regard to property wrongfully taken by the Germans. At a Sub-Committee meeting on 23 November a draft on restitution was agreed for submission to the Heads of Delegations on 26 November 1945. It issued a statement that, 'As an exception to the above principles, objects of an artistic, historical, scientific, educational or religious character (including all deeds, manuscripts, documents and bibliographic material) which have been looted by the Occupying Power shall so far as possible be replaced by equivalent objects if they are not restored'.

In July 1944, the United Nations had convened a Monetary and Financial Conference at Bretton Woods in the USA. It was attended by all 44 Allied nations and its aim was to regulate international monetary and financial matters after the conclusion of the war. The delegates also

addressed restitution issues, and all four occupying powers affirmed the Monetary and Financial Conference resolution to frustrate 'the methods of looting and dispossession practised by the common enemy and of preventing the disposal of such looted property in United Nations' markets'. The delegates recommended immediate measures be taken aimed at 'preventing the liquidation of property looted by the enemy, locating and tracing ownership and control of such looted property, and taking appropriate measures with a view to restoration to its lawful owners'. By 1945 growing friction had made it difficult, however, for the Allies to agree on a quadripartite restitution policy to be implemented in all four zones of occupation. Consequently, each of the Allied powers became responsible for the establishment and implementation of restitution procedures in their own zones.

In the British Zone, which included the German states of Hamburg, Schleswig-Holstein, Lower Saxony and North-Rhine Westphalia, the Property Control Branch of the Reparations, Deliveries and Restitutions (RDR) Division established within the Control Commission for Germany (British Element) was the body responsible for investigation and restoration of looted cultural property to its rightful owners. Evidence on the basis of which restitutions were effected was gathered through the interrogations of prominent Nazis involved in the looting and the retrieval of Nazi documents and records of looting activities. By the late summer of 1945, all the looted works of art that had been retrieved in the British Zone of occupation were transferred to a permanent collecting point at Schloss Celle, near Brunswick. Here hundreds of crates containing works of art, mostly from the collections of the Berlin museums, were inventoried and made available for restitution.

As a result of Allied General Order No. 6 in April 1946, each of the claimant nations was encouraged to set up a Mission in the Allied zones of occupation of Germany and Austria. This was to ensure the restitution of cultural property of foreign origin imported into Germany since 1939. From the end of hostilities and until the foundation of the West German Federal Republic, the RDR. Division coordinated activities for the investigation, retrieval and restitution of works of art from the four German states under British control to several European countries - especially Belgium, Czechoslovakia, France, The Netherlands and Yugoslavia. While the actual processing of restitution claims was undertaken by the newly-created German Restitution Offices of the different German states, the British RDR. Division retained authority over the valuation of the property being restituted, the authorisation for the release of the property, the adjudication of disputes and complaints and the execution of receipts for restituted property.

Besides the RDR. Division, a number of other bodies were established in the British Zone to deal with the matter of restitution. These included the Central Claims Registry for the British Zone of Germany, set up in 1950, and the Supreme Restitution Court in Herford, Germany, set up in the early 1950s. Between 1949 and 1950 the Jewish Trust Corporation (JTC – also known as the Jewish Trust Organisation) had been established in the British Zone of Germany, soon becoming the central institution for Jewish victims and their descendants seeking to reclaim looted property. On the whole, inter-Allied contact and discussions with regard to restitution remained a constant during the early post-war years and focused on a variety of subjects, including the issues of whether German works of art should be made available for reparations and the status of looted works of art from ex-enemy countries such as Hungary and Italy. The British and American Zones in particular displayed a remarkable degree of collaboration. This was exemplified by the attempt to implement parallel restitution policies and by the exchange of works of art from German public collections which took place between the two zones in early 1946, agreed between the UK and US Deputy Military Governors, Lt General Robertson and Lt General Clay.



A few months earlier, however, despite opposition from the British government, the USA took the controversial decision to ship 202 of the finest works of art from German public collections to the USA on the basis of the purported need to 'safeguard' them until such time as newly established German authorities were able to look after them. The MFA&A officers working at the Wiesbaden Collection point, including Walter Farmer and Charles Parkhurst, adamantly opposed this move, writing in September 1945 that this 'looks almost as bad as did German looting. It has little point and will ruin the works of art'. The US government was unmoved and on 26 September 1945 issued a press release stating that the works of art had been taken to the US 'in trust for their owners'. They were subsequently exhibited at the National Gallery in Washington DC and toured twelve cities in America, most only returning to Germany in 1949.

To ensure the effective unfolding of the restitution process, governments of the formerly occupied countries drew up lists of claims for art that had been looted from their countries. The Yugoslav government, for example, drew up a memorandum of losses stating that the German army 'pillaged and ravaged the country [...] plundered and demolished cultural, artistic and historic monuments', recording damage to rare manuscripts, scientific works, museums, paintings, historic archives dating back to the 14th century, and the original text of the Constitution of 1825. Italian libraries were found in the repository at Alt Aussee, Germany. Russian books from various State Libraries were found at Tanzenberg, Austria, as were 400,000 looted French books from Jewish private collections. By November 1945 an interim restitution scheme was in place whereby claims could be put forward by the governments of the countries from which goods had been looted to the zones of occupation where their property was thought to be.

British Embassies throughout the European continent were prompted to exert pressure on local governments to prevent any transfer, concealment or disposition of looted works of art. This referred in particular to neutral and non-belligerent countries. During the course of the war Switzerland, for instance, had been regarded by the German government and individuals in the German art trade as a safe place to store and trade looted art. As a result, immediately after the war both MFA&A officers and the British Legation in Berne conducted extensive investigations into the movement of works of art in and out of the country, with particular focus on the part played by art dealers. Under pressure from the US and UK, the Swiss government undertook to draw up a list of all the art that had entered the country since 1939.

While publicly-owned works of art were restituted to the main European galleries through interim measures, no mechanism had initially been put in place by the Allies to address private claims, which in the initial stages were brought by individuals directly to the British government - as in the cases of Mr Zaslowsky, a Polish national living in London whose library of books had been taken from his flat in Paris and was found in the repository at Tanzenberg, in the British Zone of occupation of Austria; of Clarice de Rothschild, whose lawyers communicated with the Foreign Office and the Macmillan Committee about her losses of art, land and houses in Austria; of Jehudo Epstein of Vienna, whose paintings had been seized in Vienna after he fled to South Africa; of the Adamkiewicz brothers, whose houses and paintings in Vienna had been seized; and of Robert von Hirsch, whose Cranach had been taken by Goering for his collection.

It was only in November 1945 that the principle of restitution to individual owners was agreed. This followed discussion on subjects such as whether all sales in occupied Europe should be regarded as having taken place under duress and whether all exports without licences should be considered illegal. As a result, the Vaucher Commission took care to prepare an order rendering unlawful all contracts by which Germans had purchased works of art in Europe. However, in December 1945 it remained unclear who would actually deal with the

mechanics of restitution. Notwithstanding these difficulties, the restitution of privately-owned works of art proceeded at full speed and by September 1946 the Dutch reported that one fifth of all their looted art had been recovered and books had been found and recovered in their thousands. More generally, regular progress reports on restitution drafted by the Allied Control Authority listed hundreds of restitution claims which had been made by Allied governments and were being processed by the British RDR Division from 1946 onwards. Still, a multitude of objects remained to be restituted, as testified by a 54-page list of works of art as yet unrecovered, provided by the French government in January 1947.

The question of unclaimed and heirless looted property was another important area of discussion within the Allied and British administrations. In July 1945, for example, Professor Judah Magnes, President of the Hebrew University of Jerusalem, wrote to the Foreign Office asking that Jewish libraries, documents and manuscripts, etc. relating to Jews and Judaism which had been recovered in Germany and occupied Europe be entrusted to the Hebrew University and to the Jewish National and University Library. Ernest Bevin, the Foreign Secretary, responded that the principle of the controlling powers was that all identifiable property should be restored to its rightful owners and if that was not possible there was no reason it should not stay in Germany for the use of Jewish communities in that country. In September of that same year the Jewish Agency for Palestine wrote to the Foreign Office about Jewish losses and the Jewish right to reparations, but the matter was later resolved with the establishment of the Jewish Trust Corporation.

## **The German Federal Republic and the end of the Occupation, 1949-1961**

In May 1949, the three western powers amalgamated their zones under the Allied High Commission, and handed over substantial governmental powers to the new Federal Republic of Germany. They did, however, retain some limited authority, leaving their troops in place as part of the western defence against the Eastern bloc and maintaining their position in Berlin. A week after the Federal government came into being, the Soviets proclaimed a new German Democratic Republic in their zone and thereby consolidated the rigid division between Western and Eastern Germany which was to last for the next forty years.

The new political order in Germany did not prevent the gradual progress of the restitution process. Beyond the most immediate political considerations, the Allies realised that they could not abandon their present and future restitution claims, especially as there was a revival of claims in all the Western Zones in 1950. In March 1950, the Secretariat of the Council of the Allied High Commission noted, with reference to the proposed termination of external restitution, that 'as far as works of art and cultural possessions, there is indeed no reason to give up the search'. In May 1950, a Foreign Office minute noted that the US authorities still had a very large repository of unclaimed artworks, although they had planned to close their MFA&A section in Hamburg by August 1950. 'As a result of pressure put upon them by certain nations', the Americans appointed a cultural advisor to adjudicate their existing claims. The French were planning on making a similar appointment, while the British closed their RDR Division in August 1950, after transferring the work of restitution to the German authorities according to British Military Zone Government Law 59. Promulgated in May 1949 to deal with restitution matters in Germany, British Law No. 59 shared significant similarities with the US Restitution Law (also no. 59) but had nonetheless been drafted as a different piece of legislation following the Allies' inability to agree on a uniform approach. According to the British law, claimant parties were required to file a detailed petition by a fixed deadline, which would then be mediated by special

agencies. If the settlement failed, the action was referred to the German judicial system, with access to the German appellate courts. As a last resort, claims could be appealed to the Supreme Restitution Court.

At the same time, detailed arrangements were made to give authority to the new German Federal Government over internal and external restitution claims. In November 1949, for example, the establishment of a restitution chamber at each regional court in Germany was considered. In January 1952, the Supreme Restitution Court transferred certain responsibilities to the Federal Republic including dealing with the external restitution of cultural property. The Court continued to have judges from Allied countries and there is extensive correspondence in the archives between the new German government and the Allies on the selection of suitable judges for the Supreme Restitution Court and other judicial appointments, such as for the Arbitration Tribunal and the Arbitral Commission.

In May 1952, the western Allies and Germany signed the Allied-West German Agreement, which in effect ended the occupation by giving the Federal Republic virtual independence. Prior to this, the plans that were put in place by the Western Allies to hand over power to the new Federal government included discussions on the obligations and responsibilities of the new regime with regard to restitution. The Allies stipulated that the Germans pass a federal law on compensations and restitution at least as favourable as any existing law in force. The new German law was called the Federal Indemnification law (BEG). It contained legislation dealing with so-called 'personal damages' suffered by victims of Nazi persecution i.e. loss of life, health and liberty. The Central Agency for the Co-ordination and Evaluation of Restitution Claims was established specifically for cultural property claims. Its committee consisted of leading German art historians and museum directors.

Throughout the post-war years, and especially from 1949, an essential part of the Allied restitution effort focused on the issue of restitution and compensation for Jewish victims of Nazi persecution and for heirless and unclaimed property. To this end, they set up Jewish and non-Jewish Trust Corporations. The primary task of the Jewish Trust Corporation, established in the British Zone between 1949 and 1950, was to locate within an 18-month period property unclaimed after 30 June, 1950. This deadline was established by the Restitution Law for the British Zone for claims by the original owners or their heirs. The recipients of the heirless Jewish property were Jewish organisations for refugees in Germany, Israel and the UK. The Americans and French had similar organisations - the Jewish Restitution Successor Organisation in the US Zone and the Branche Française (French Branch) of the Jewish Trust Corporation in the French Zone. A joint office was established by all three sectors in West Berlin.

Internationally, Jewish agencies worked together to try and mitigate many of the problems facing their dispossessed people. The Central British Fund for Relief and Rehabilitation, the Jewish Agency for Palestine and the American Jewish Joint Distribution Committee initially founded the United Restitution Organisation (URO – also known as the United Restitution Office). Created in 1948, its offices in Austria, Germany and countries of refuge were staffed by lawyers conversant with the complex restitution and compensation laws. Acting as a legal aid society, it assisted Jewish claimants of limited financial means. Norman Bentwich, Director of the British office, was a frequent correspondent with the Foreign Office. The German Federal Indemnification Law stated that the URO was authorised to represent claimants in all matters governed by the Indemnification Law.

In 1952, the Conference on Jewish Material Claims against Germany was established as the representative of the Jewish diaspora on reparations, restitution and compensation. It used funds provided by the German government to take over responsibility for the URO, while the

Conference on Jewish Material Claims was part of an Anglo-American delegation that visited Austria in June 1953 in an unsuccessful attempt to negotiate claims with the Austrians. A few years earlier, in June 1950, as a consequence of the status quo reached in the discussions between the Allies and Switzerland, the Israeli government had approached the Allies in an attempt to mediate between the Swiss government and the two main Jewish organisations which were to benefit from the recovery of heirless property in Switzerland - the American Jewish Joint Distribution Committee and the Jewish Agency for Palestine. Between 1952 and 1956, the Jewish Trust Corporation continued to relay information about its activities to the Foreign Office in Britain, including working towards the establishment of a fund for Jewish victims of Nazi persecution in Austria. Until 1960-61, the British government remained involved in restitution matters, including in procedural issues at the Supreme Restitution Court in Herford, Westphalia.

The records at the UK National Archives provide a lasting testament to the efforts of the Allied governments and other organisations and individuals who worked assiduously during the war and in the post-war period to create a legal and administrative framework to solve the problems created by Nazi looting of cultural property. The concerted efforts of the Allies notwithstanding, the problem remains with us more than sixty years afterwards, and we still have little idea of the extent of the works of art and other cultural property still unaccounted for and unrestituted. For many dispossessed families, the search goes on.

The [International Research Portal for Records Related to Nazi-Era Cultural Property](#) will provide many of these families, together with researchers and historians, with an important new tool with which to access hitherto inaccessible documentation. The hope is that this information will not only add to the historical record, but will also lead the way to many more discoveries of missing works of art, still awaiting restitution to their rightful owners.

## **Topics covered by The National Archives' records**

Covering the period between 1939 and 1961, the The National Archives' records touch on a wide variety of subjects, from wartime plans for the preservation of historic monuments in war areas and the restitution of cultural property to post-war procedural discussions and policy decisions for implementing the return of stolen goods to their former owners. Pre-1945 material includes investigations and policies adopted by the British and American Armies for the preservation of monuments and works of art during the course of the war together with the first reports on German looting activities and the discovery of art repositories across occupied Europe. Post-1945 material includes details of the Inter-Allied measures taken for restitution to victims of Nazi persecution, as well as documents on restitution policy and procedures. The records also include information on individual claims to cultural property, providing details of stolen items, the art dealers involved and the whereabouts of the material during and after the war. Other records focus on the progress of the restitution process, recording the items returned to individual countries in monthly reports from Germany or in some cases the reasons for their failure to be returned to their owners.

### **Wartime plans for the preservation and restitution of cultural property**

This material consists mostly of military field reports and correspondence, focusing on the agreements, institutions and measures put in place to facilitate the preservation and protection of cultural property and monuments and discussions on how to counter the challenges and problems with the implementation of these plans, 1939-1945. It covers intra-governmental correspondence between the Foreign Office, the Treasury, the Ministry of Supply, the War

Office, the Control Office for Germany and Austria and the Control Commission for Germany relating to plans, logistics and problems relating to reparations and restitution from 1939 onwards, documenting:

- the establishment of an Inter-Allied Declaration against Acts of Dispossession committed in Territories under Enemy Occupation and Control (1943);
- the establishment of a War Loss and Damage Register for the registration of claims for losses and damages (1943);
- the impact of Allied bombing on monuments and works of art and German propaganda on the subject (1943-1945);
- the activity of the Archaeological Advisor to the War Office, Sir Leonard Woolley, and the Monuments, Fine Arts and Archives (MFA&A) Branches of the British and American Armies (1943-1945);
- the establishment of Justice Owen Roberts's US Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas (1943);
- the drafting of the Malkin Report on Reparation and Economic Security (1944);
- the activity of the European Advisory Commission and its role in determining Germany's 'unlimited obligation to restore identifiable looted works of art, books, artistic or historic archives and other artistic or historic property' (1944-1945);
- the appointment of the Macmillan Committee to advise His Majesty's Government on conservation and restitution of works of art (1944-1946);
- the work of the MFA&A officers attached to the British and American Armies investigating the looting and destruction of Europe's art treasures and monuments on the battlefield (1944-1945);
- plans coordinated by the British, the Americans and Soviets to recommend measures relating to reparation and economic security to be put in place to cover the period after the immediate defeat of Germany (1944);
- the activity of the Inter-Allied Commission for the Protection and Restitution of Cultural Material or Vaucher Commission in coordinating information about looted works of art (1944-1945);
- plans for the formation of a Reparations, Deliveries and Restitutions Division as part of the Control Commission for Germany (1944-1945);
- the establishment of the Restitution Commission (1944-1945).

## **Parliamentary questions and press clippings relating to issues of preservation and restitution of cultural property**

These documents give the text of parliamentary questions raised in relation to the protection, restitution and reparation of monuments and cultural objects, and clippings from the British press on these matters, often reporting on parliamentary debates and ministerial conferences (1939-1949). Issues covered in this material include:

- war damage to the Channel Islands, Normandy and Southern Italy;
- works of art in France and Italy;
- the replacement of unique items of cultural property that had been looted;
- stolen works of art in the hands of the Nazi leaders and the seizure of works of art by Germans in general;
- post-war policy on restitution and other matters.

The press clippings are from a wide range of newspapers, including the Birmingham Post, Daily Express, Daily Mail, Daily Telegraph, Glasgow Herald, Manchester Guardian, News Chronicle,

The Scotsman and The Times. Many of these extracts relate to the parliamentary questions. Other extracts cover subjects including:

- the Inter-Allied Declaration against Acts of Dispossession committed in Territories under Enemy Occupation and Control;
- the protection of ancient monuments in war areas, including Monte Cassino;
- articles stolen by the German army and hidden in German salt mines;
- the establishment of the Macmillan Committee with art specialists to aid the recovery of stolen treasures;
- changes to the restitution laws in Austria and the reaction of Jews making claims there;
- the Berlin Compensation Law for the victims of Nazism;
- aid relief projects abroad for the victims of Nazi oppression;
- the issuing of certificates for owners of property in the Soviet Zone of Germany;
- German interests in Switzerland;
- the use of German assets abroad as reparations;
- Nazi-seized property to be restored.

### **Post-war policies dealing with the restitution of looted property**

This material consists predominantly of correspondence between British government departments and British Embassies abroad relating to the establishment of procedures for the restitution of looted property, 1945-1960. It covers a wide variety of subjects including:

- the international Paris Reparations Conference (1945);
- the special procedures set out by the Allied Control Authority Coordinating Committee for Germany for the restitution or replacement of objects of a unique character (1945-1946);
- policies and procedures established by the Monuments, Fine Arts and Archives Branch in Germany, (1946-1948);
- plans for an Internal Restitution Law relating to restitution within Germany, to be promulgated across the whole of Germany, (1947-1949);
- the handling of restitution claims by the Central Claims Registry, an organisation set up and run by the British occupying forces from offices in Bad Nenndorf and Berlin (1948-1950);
- discussion of the setting of a termination date for the acceptance of restitution claims in the British Zone of Germany (1947-1952);
- the imposition of taxes and other public charges on restituted property (1953);
- the efforts of various groups within the British art trade to identify looted works of art, including the British Antique Dealers' Association, which, in April 1951, wrote to the Administration of Enemy Property Department at the Board of Trade enquiring about the legal position of those in the UK who may have acquired looted property (1951);
- logistical arrangements for the Supreme Restitution Court in Herford, Germany (1958-1960).

### **Progress with restitution after the war**

These documents predominantly take the form of reports on the progress of restitution in Germany after the war, 1945-1948. They include:

- intelligence gathered by the Monuments, Fine Arts and Archives Branch and the British Legation in Berne, Switzerland, on art dealers known to be involved in the import and sale of looted cultural property (1945-1953);
- correspondence relating to the administration of the Zonal Fine Arts Repository at Schloss Celle (1945-1950);
- correspondence between the Allied Missions and the RDR Division relating to the filing of claims for the restitution of looted cultural property (1946-1950);
- claims filed by Czechoslovakia, The Netherlands and Yugoslavia for looted works of art (1946-1953);
- monthly updates of the RDR Division of the Control Commission for Germany (British Element) with statistics and general information on the progress of the restitution process in the British Zone of Germany (1945-1948);
- Allied Control Authority Coordinating Committee Quarterly Reports on restitution in the four zones of occupation (1947);
- progress reports on restitution in Greater Berlin and progress reports on restitution in the Soviet Zone of Germany (1947-1948).

### **Specific cases of looted property**

The holdings at The National Archives include Foreign Office or Control Commission for Germany (British Element) correspondence relating to specific cases of property looted by the Germans, 1942-1952.

An entire range of property is covered in the files, from cultural property such as paintings, sculptures, books, archives, libraries, furniture and religious icons, to real estate, industrial machinery, factories, motor vehicles and horses. The level of detail about claims is uneven, with some cases containing very detailed information about the property itself, while the records of other cases contain only very brief information. The more detailed records may include the artist and title of a painting, with its dimensions, as well as the owner and the art dealers involved in its appropriation. There are some inventories of stolen property with itemised descriptions, and, occasionally, photographs of art works.

Both individual and country claims are documented in the records. Countries mentioned as seeking restitution of looted property at a national/governmental level in these documents include Belgium, Bulgaria, the Channel Islands, Czechoslovakia, France, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Romania, and Yugoslavia (1943-1950).

Some Foreign Office correspondence is with British-based solicitors (Herbert Smith and Co., Linklaters and Paines, Markby, Steward and Wadesons, Baylis Pearce and Co., and Holland and Co.) who are representing individual clients based in Britain, New York, The Netherlands and the British Zones of Austria and Germany seeking the restitution of property (1943-1953).

Particularly detailed correspondence about individual cases of seized property includes:

- Foreign Office correspondence about the removal of art treasures by the Germans and, in particular, the looting, hiding and trading of works of art by the *Einsatzstab Reichsleiter Rosenberg* and others, including Hermann Goering, for Hitler's planned Fuehrermuseum in Linz, Austria, and for Goering's personal collection at his estate at Karinhall (1942-1951);

- cultural property confiscated in Czechoslovakia and the forced sales at low prices that took place there (1943).
- looted French furniture (1945);
- Memoranda by the Czech and Yugoslav governments with claims to restitution including for historical art objects and libraries (1945);
- Nazi art deposits in Europe (March 1945);
- lists of works of art belonging to Baron Alphonse de Rothschild and the work of the Macmillan Committee on this case (1945);
- a list of lost paintings belonging to the Swiss national Robert von Hirsch (1945-1946);
- lists of works of art and libraries looted from Italy (1945-1947);
- looted Dutch pictures (1945-1950);
- lists of works of art stolen from France (January 1947);
- the sale, in the UN galleries in New York, of part of a collection of 28 tonnes of silverware found in German salt mines which had been looted from 'Jewish and other families' when their 'owners had been sent to concentration camps'. The value of these objects was estimated at £2.5 million (January 1950);
- individual claims to looted real estate in Austria (1950);
- claims by the Greek mission for looted paintings, archaeological works and books, including the library of the Chief Rabbi of Volos, whose Hebrew and Greek books were believed to have been transported to Germany, paintings and works on paper taken from a Swiss subject, Rene Belincourt, and the contents of the house of the Jewish Delbono brothers of Corfu (July 1950);
- Control Commission for Germany correspondence about looted art and archives in general (1950-1952);
- Foreign Office correspondence about the Alfred Lindon collection of French 18th- and 19th century paintings and engravings stolen in France by the Nazis in 1940 and sold in Switzerland (1953).

### **Restitution and compensation for Jewish victims of Nazi persecution**

This material mostly focuses on Inter-Allied and British government plans for the establishment of organisations to deal specifically with the restitution of property to Jewish victims of Nazi persecution, 1945-1953. It includes:

- general Foreign Office correspondence about compensation and restitution to victims of Nazi persecution (1945-1947);
- information on the procedures for the restitution of Jewish property looted by the Germans, and in particular looted cultural property (1945-1950);
- Foreign Office correspondence with the World Jewish Congress (1949-1952) and the Jewish Trust Corporation for Germany (1949-1956), including lobbying for a law for the restitution of Jewish property in the British Zone of Germany (1949) and matters affecting restitution to Jews in Austria, including problems relating to the payment of Austrian pensions to Jews (1950-1951) and US aid for the relief of victims of Nazi oppression (1949-1950; 1952).

The holdings also include Foreign Office correspondence with the Jewish Trust Corporation for Germany, established in the British Zone to administer unclaimed and heirless property of



deceased Jews which was subject to restitution (1949-1956). This correspondence covers logistical matters relating to:

- the establishment of the Jewish Trust Corporation including the issuing of a general license to find, receive and dispose of restituted property (1949-50);
- problems relating to the German authorities of North Rhine Westphalia who denied the Jewish Trust Corporation access to the records of their financial offices (1952);
- discussion about the conversion rate of restituted property, (1952);
- the establishment of a 550 million Austrian Schilling fund for victims of Nazi persecution in Austria, the progress of which was relayed to the Foreign Office by the Jewish Trust Corporation (1956).